

CS FOR HOUSE BILL NO. 163(RES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY THE HOUSE RESOURCES COMMITTEE

Offered: 4/14/03

Referred: Finance

Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to an annual wildlife conservation pass; relating to nonresident and
2 nonresident alien big game tag fees; relating to the application for and issuance of a
3 license, tag, permit, or wildlife conservation pass by the Department of Fish and Game;
4 and providing for an effective date."

5 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

6 * **Section 1.** The uncoded law of the State of Alaska is amended by adding a new section
7 to read:

8 FINDINGS. The legislature finds that

9 (1) the opportunity to view wildlife is a unique and deeply valued part of the
10 experience of living and traveling in this state;

11 (2) the State of Alaska appropriates significant financial resources each year
12 for the purposes of wildlife management;

13 (3) a large portion of the financial resources expended by the state to maintain
14 healthy populations of wildlife directly benefits nonresidents who view wildlife;

(4) the \$15 fee charged to nonresidents for an annual wildlife conservation pass is less than or equal to Alaska residents' pro rata share of state revenue that is devoted to wildlife-related matters associated with nonconsumptive uses of fish and wildlife, including wildlife viewing;

(5) existing law requires hunters, fisherman, and other consumptive users of fish and wildlife to obtain the appropriate licenses and to pay the associated fees;

(6) existing law does not assess a fee for nonconsumptive uses of wildlife such as wildlife viewing;

(7) the opportunity to view wildlife is a significant component of the experience enjoyed by many Alaskans and visitors through the use of commercial guides, outfitters, tour operators, and providers of transportation in settings where wildlife is present;

(8) nonresidents who do not obtain a hunting or fishing license and employ a commercial provider for an opportunity to view wildlife should bear their fair share of the cost of wildlife management in this state;

(9) a wildlife conservation pass will provide new revenue that may be used to support fish and wildlife management, including protection, and to support and promote the tourism industry.

*** Sec. 2.** AS 16.05.340(a)(15) is amended to read:

(15) Nonresident big game tags

A nonresident may not take a big game animal without previously purchasing a numbered, nontransferable, appropriate tag, issued under this paragraph. The tag must be affixed to the animal immediately upon capture and must remain affixed until the animal is prepared for storage, consumed, or exported. A tag issued but not used for an animal may be used to satisfy the tagging requirement for an animal of any other species for which the tag fee is of equal or less value.

(A) Bear, black, each	\$225
(B) Bear, brown or grizzly, each	500
(C) Bison, each	450
(D) Caribou, each	<u>400</u> [325]
(E) Deer, each	150
(F) Elk, each	300

1	(G) Goat, each	400 [300]
2	(H) Moose, each	450 [400]
3	(I) Sheep, each	500 [425]
4	(J) Wolf, each	30

5 A nonresident is not required to have a nonresident wolf tag to take a wolf in a
6 game management unit if the Board of Game has adopted an intensive
7 management program under AS 16.05.255 for all or a portion of the game
8 management unit.

9	(K) Wolverine, each	175
10	(L) Musk oxen, each	1,100

11 * **Sec. 3.** AS 16.05.340(a)(21) is amended to read:

12 (21) Nonresident alien big game tags

13	(A) Bear, black, each	\$300
14	(B) Bear, brown or grizzly, each	650
15	(C) Bison, each	650
16	(D) Caribou, each	500 [425]
17	(E) Deer, each	200
18	(F) Elk, each	400
19	(G) Goat, each	500 [400]
20	(H) Moose, each	550 [500]
21	(I) Musk oxen, each	1,500
22	(J) Sheep, each	625 [550]
23	(K) Wolf, each	50

24 A nonresident alien is not required to have a nonresident alien wolf tag to take
25 a wolf in a game management unit if the Board of Game has adopted an
26 intensive management program under AS 16.05.255 for all or a portion of the
27 game management unit.

28	(L) Wolverine, each	250
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29 * **Sec. 4.** AS 16.05.350(a) is amended to read:

30 (a) Licenses, permits, [AND] tags, **and the wildlife conservation pass**
31 required under AS 16.05.330 - 16.05.430, except biennial licenses, triennial licenses,

the nonresident sport fishing licenses, the resident trapping license, the nonresident anadromous king salmon tags, the waterfowl conservation tag, and permits having a different specified expiration date, expire at the close of December 31 following issuance.

* **Sec. 5.** AS 16.05.360(a) is amended to read:

(a) The commissioner or an authorized deputy shall issue each license, [AND] tag, and wildlife conservation pass to a qualified person under written application containing such reasonable information as required by the commissioner. The commissioner shall designate the license, [AND] tag, and wildlife conservation pass form or type. For purposes of the issuance of licenses and tags, the [THE] form or type must be sufficient to identify and locate the applicant and establish the applicant's status as to residency and citizenship. Each application shall be subscribed by the applicant.

* **Sec. 6.** AS 16.05.380 is amended to read:

Sec. 16.05.380. Commissioner may appoint agents. The commissioner may appoint state employees or other persons to take applications, issue licenses, permits, [AND] tags, and the wildlife conservation pass, and collect fees. The commissioner is not liable for defalcation or failure to account for the fees collected by any person so appointed, but the commissioner shall require a bond in an adequate sum, conditioned upon faithfully accounting for all money collected. However, the commissioner may waive the bond requirements for the Alaska marine highway system and the Alaska Railroad Corporation or for [OF] an instrumentality of the United States or its agents and employees when the instrumentality or its agents or employees sell licenses, permits, [OR] tags, or the wildlife conservation pass primarily to persons in the armed forces. Each person, upon appointment by the commissioner, may administer oaths on applications for licenses, permits, [AND] tags, and the wildlife conservation pass.

* **Sec. 7.** AS 16.05.390(a) is amended to read:

(a) Except as provided in (e) of this section, the Alaska marine highway system, the Alaska Railroad Corporation, or an agent appointed by the commissioner under AS 16.05.380 to sell licenses, permits, [AND] tags, and the

1 **wildlife conservation pass** is entitled to

2 (1) retain five percent of the fee that is charged for a license, permit,
3 [OR] tag, **or wildlife conservation pass** or 25 cents for each license, permit, [OR] tag,
4 **or wildlife conservation pass** sold, whichever is greater; and

5 (2) compensation of \$50 per year or \$1 for each license, permit, [OR]
6 tag, **or wildlife conservation pass** sold during the year, whichever is greater.

7 * **Sec. 8.** AS 16.05.390(b) is amended to read:

8 (b) Each agent appointed to sell licenses, permits, [OR] tags, **or the wildlife**
9 **conservation pass** under AS 16.05.380 shall, as directed by the commissioner,
10 transmit the proceeds from the sales of licenses, permits, [AND] tags, **and the wildlife**
11 **conservation pass**, except the amount authorized to be retained under (a)(1) of this
12 section, together with a report of the sales, to the commissioner for deposit in the fish
13 and game fund or the general fund.

14 * **Sec. 9.** AS 16.05.390(c) is amended to read:

15 (c) On March 31, June 30, September 30, and December 31 of each year the
16 commissioner shall calculate the compensation earned by an agent under (a)(2) of this
17 section, minus the penalties assessed under (g) of this section. If the compensation
18 due exceeds \$50, the commissioner shall pay the compensation not later than 30 days
19 after the date for which the compensation was calculated. If the compensation due is
20 \$50 or less, the commissioner shall pay the compensation not later than January 30 of
21 the year following the year in which the compensation was earned. The commissioner
22 shall pay compensation only for sales of licenses, permits, [OR] tags, **or the wildlife**
23 **conservation pass** for which the commissioner has received the report and proceeds
24 required to be transmitted under (b) of this section.

25 * **Sec. 10.** AS 16.05.390(e) is amended to read:

26 (e) The provisions of (a) of this section do not apply to a state employee
27 appointed by the commissioner under AS 16.05.380 to sell licenses, permits, [AND]
28 tags, **and the wildlife conservation pass**.

29 * **Sec. 11.** AS 16.05.390(f) is amended to read:

30 (f) Proceeds and reports under (b) of this section shall be transmitted to the
31 commissioner by the last day of the month following the month in which the licenses,

permits, [AND] tags, and the wildlife conservation passes are sold, unless an alternative reporting schedule has been established by contract.

* **Sec. 12.** AS 16.05 is amended by adding a new section to read:

Sec. 16.05.417. Wildlife conservation pass. (a) Without having a valid wildlife conservation pass in actual possession, a person may not use the services of a commercial provider for an opportunity to view public wildlife in this state.

(b) The fee for a wildlife conservation pass is \$15.

(c) A wildlife conservation pass is not required of

(1) a person under the age of 16 years;

(2) a resident who is 60 years of age or older and possesses a permanent identification card issued under AS 16.05.400(b);

(3) a resident who possesses a permanent state identification card issued under AS 18.65.310 or a resident who possesses a voter registration card issued under AS 15.07.070, to the extent allowed by law;

(4) a person who possesses a current year sport fishing license, hunting license, or trapping license issued to the person by the department under this title;

(5) a person who possesses a valid Alaska driver's license issued under AS 28.15;

(6) a resident who possesses a valid commercial fishing license or commercial fishing entry permit or interim-use permit;

(7) a resident who is a disabled veteran qualified to receive a free hunting and sport fishing license under AS 16.05.341;

(8) a resident traveling on the Alaska marine highway system or the Alaska Railroad;

(9) a person who is currently employed, and has verifiable proof of employment, in the commercial provider or transportation industry and provides direct services to tourists in Alaska.

(d) The commissioner may issue a duplicate wildlife conservation pass as a replacement for a wildlife conservation pass issued under this section. The fee for a duplicate wildlife conservation pass is \$5. The commissioner may not issue a duplicate wildlife conservation pass unless the commissioner or the commissioner's

1 delegate is satisfied that the original has been lost or destroyed.

2 (e) A commercial provider for an opportunity to view public wildlife may not
3 provide service, equipment, or facilities to a person who

4 (1) is required to possess a wildlife conservation pass under this
5 section; and

6 (2) does not have a valid wildlife conservation pass in actual
7 possession.

8 (f) Fees received from the sale of wildlife conservation passes shall be
9 deposited into a separate account in the general fund. The annual balance in the
10 account may be appropriated by the legislature for the purpose of fish and game
11 management, viewing, and education programs, or for other public purposes.

12 (g) In this section,

13 (1) "commercial provider for an opportunity to view public wildlife"
14 means a person that provides to an individual, for compensation or with the intent to
15 receive compensation, touring or recreational service, equipment, or facilities in the
16 field, or transportation to or in the field related to tourism or recreation; "commercial
17 provider for an opportunity to view public wildlife" includes a person who provides
18 outfitting, guiding, sightseeing, flightseeing, rafting, kayaking, touring, accompanied
19 hiking, bus and motorcoach service, cruise ship or charter service, railroad
20 transportation, or a similar opportunity for viewing public wildlife;

21 (2) "commercial provider industry" means those businesses that
22 provide services, equipment, and facilities as a commercial provider for an opportunity
23 to view public wildlife;

24 (3) "field" means

25 (A) an area in this state outside of

26 (i) established year-round dwellings, businesses, or
27 other developments usually associated with a city, town, or village;

28 (ii) permanent hotels or roadhouses on the state road
29 system or state or federally maintained airports;

30 (B) an area in this state used for public wildlife viewing within
31 or near a city, town, village, or year-round dwellings; and

(C) the territorial sea and internal waters of this state;

(4) "public wildlife" means fish and game;

(5) "transportation" means the carriage of persons by railroad, automobile, bus, motorcoach, taxi, boat, ferry, snowmobile, cruise ship, air taxi, aircraft, or another mode of transport; "transportation" does not include

(A) carriage by aircraft on nonstop flights between airports listed in the Alaska supplement to the Airmen's Guide published by the Federal Aviation Administration; or

(B) a method of transportation determined by the commissioner by regulation not to have a significant opportunity for public wildlife viewing.

* **Sec. 13.** AS 16.05.420 is amended to read:

Sec. 16.05.420. License, tag, [AND] permit, and pass violations. (a) A false statement of a material fact in an application for a license, tag, [OR] permit, or wildlife conservation pass issued under AS 16.05.330 - 16.05.430 voids the license, tag, [OR] permit, or wildlife conservation pass for which the application is made.

(b) A person may not make a false statement, or omit a material fact, in an application for a license, tag, [OR] permit, or wildlife conservation pass issued under AS 16.05.330 - 16.05.430. A person who without any culpable mental state makes a false statement as to the person's identity or residency in an application for a license, tag, [OR] permit, or wildlife conservation pass issued under AS 16.05.330 - 16.05.430 is guilty of a violation and upon conviction is punishable by a fine of not more than \$300. A person who knowingly violates this subsection is guilty of a class A misdemeanor. **In this subsection, "knowingly" has the meaning given in AS 11.81.900.**

(c) A person to whom a license, [OR] tag, or wildlife conservation pass has been issued under this chapter may not alter, change, loan, or transfer the license or tag. A person may not use a license, [OR] tag, or wildlife conservation pass that has been issued under this chapter to another person.

* **Sec. 14.** Sections 2 and 3 of this Act take effect January 1, 2004.

* **Sec. 15.** Except as provided in sec. 14 of this Act, this Act takes effect July 1, 2003.